

M. John Bowen, Jr.

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October 7, 2011

Via Electronic Filing

Ms. Jocelyn Boyd
Chief Clerk and Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia, South Carolina 29210

Re: Application of Palmetto Telephone Communications, LLC to Expand
Authority to Provide Local Exchange and Exchange Access Service to
Customers Located in Certain Areas Currently Being Served by Frontier
Communications of the Carolinas, Incorporated and United Telephone
Company of the Carolinas, Incorporated d/b/a CenturyLink and Request
for Flexible Regulations of Local Exchanged Service Offerings.
Docket No. 2011-303-C

Dear Ms. Boyd:

Enclosed for filing on behalf of Palmetto Telephone Communications, LLC,
please find a Response to Frontier's Motion and Petition To Intervene Out of
Time in the above-referenced docket.

Please let me know if you have any questions.

Sincerely,

McNAIR LAW FIRM, P.A.



M. John Bowen, Jr.

MJB,Jr./rwm
Enclosure

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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2011-303-C

IN RE:

Application of Palmetto Telephone Communications, LLC)
to Expand Authority to Provide Local Exchange and)
Exchange Access Service to Customers Located in Certain)
Areas Currently Being Served by Frontier Communications)
of the Carolinas, Incorporated f/k/a Verizon South,)
Incorporated and United Telephone Company of the)
Carolinas, Incorporated d/b/a CenturyLink and Request for)
Flexible Regulation of Local Exchange Service Offerings.)

**PALMETTO TELEPHONE COMMUNICATIONS, LLC'S RESPONSE TO FRONTIER'S
MOTION AND PETITION TO INTERVENE OUT OF TIME**

Pursuant to 26 S.C. Regs. 103-825 and 103-829, and other applicable rules of practice and procedure of the Public Service Commission of South Carolina ("Commission"), Palmetto Telephone Communications, LLC ("Palmetto") hereby submits the following Response to the Motion to and/or Petition to Intervene Out of Time filed by Frontier Communications of the Carolinas, Incorporated ("Frontier").

In its motion, Frontier seeks to intervene in Palmetto's application in this matter *more than two weeks after* the deadline for filing petitions to intervene. Palmetto respectfully asserts that Frontier has not demonstrated good cause for its failure to timely intervene, and that its intervention should not be permitted.

The Commission establishes deadlines for intervention and other matters so that the parties may have some certainty and so that the administrative process may proceed efficiently.

While Palmetto certainly understands and agrees that there may be some circumstances that would justify ignoring those deadlines in particular cases, Palmetto submits that this is not one of those cases.

The deadline to intervene in this matter was September 12, 2011. Palmetto published notice of the filing, including the deadline for intervening, as directed by the Commission, on or before August 22, 2011.¹ Palmetto published the notice in *three* different newspapers in the affected area.²

Frontier moved to intervene out of time on September 27, 2011, *fifteen days* after the deadline. In explaining its failure to timely intervene, Frontier pointed to “an inadvertent mistake and error in filing such Petition and ... the ongoing and significant workload of the Legal Department associated with and related to the current operating transition from Verizon to Frontier and other matters.” Motion at p. 1.

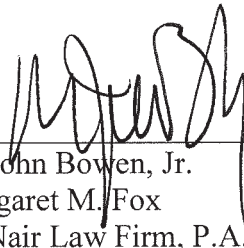
Palmetto submits that inadvertent mistakes in filing and significant workloads may justify a brief filing delay, but not one of more than two weeks. This is particularly true when the transaction that led to the “transition from Verizon to Frontier” was approved by this Commission almost two years ago [*See* Order No. 2009-769 in Docket No. 2009-220-C] and by the Federal Communications Commission on May 21, 2010, more than 16 months ago. *In the Matter of Applications Filed by Frontier Communications corporation and Verizon Communications Inc. for Assignment or Transfer of Control*, Memorandum Opinion and Order, FCC 10-87, WC Docket No. 09-95 (rel. May 21, 2010). No further reasons were given other than the statement “and other matters.”

¹ See Transmittal Letter from the Commission Clerk’s Office dated August 10, 2011.

² See Proof of Publication in The Advertiser-Herald in Bamberg County, Hampton County Guardian in Hampton County and The Allendale Sun in Allendale County, filed in the captioned docket on September 7, 2011.

In the interest of maintaining the integrity of the Commission's deadlines and a meaningful interpretation of what constitutes good cause for failure to timely comply with those deadlines, Palmetto respectfully asks the Commission to deny Frontier's Motion and Petition to Intervene Out of Time in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. John Bowen, Jr.", is written over a horizontal line.

M. John Bowen, Jr.
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ATTORNEYS FOR PALMETTO TELEPHONE
COMMUNICATIONS, LLC

Columbia, South Carolina

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CERTIFICATE OF SERVICE

I, Rebecca W. Martin, do hereby certify that I have this date served one (1) copy of Palmetto Telephone Communications, LLC's Response to Frontier's Motion and Petition To Intervene Out of Time to the following party causing said copy to be deposited with the United States Postal Service, first class postage prepaid and properly affixed thereto, and addressed as follows.

Shealy Boland Reibold, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
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Columbia, South Carolina